

**HERMOSA TOWN BOARD
WORK SESSION
Tuesday, October 12, 2021 – Following P&Z Meeting**



- 1) **ROLL CALL:**
 - A) BOT Roll Call: Flug, Henrichsen, Holsworth, King, & Schumack
 - B) P&Z Roll Call: Harris, Waltman, Clarke, Thomason, Jobgen
 - C) Acknowledgement of other attendees

- 2) **CALL FOR CHANGES:**
 - A) Review current agenda items
 - B) Motion to accept the agenda as presented/amended

- 3) **WORK SESSION ITEMS**
 - A) ADU's Ordinance
 - B) Fee Schedule

- 4) **TRUSTEE INPUT:**

Flug, Henrichsen, Holsworth, King, & Schumack
Harris, Waltman, Clarke, Thomason, Jobgen

- 5) **ADJOURN:** Motion by _____; Second by _____ to adjourn the meeting at _____ PM

ATTEST:

Gail Boddicker
Finance Officer

Dan Holsworth
Town Board President

154.02 Definitions

Accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs go by many different names, including accessory apartments, secondary suites, granny flats, guest houses, mother-in-law apartments, in-law suites, casitas, etc. To be considered a legal suite, it must have its own entrance, kitchen, sleeping, and bathroom facilities. ADUs can be attached or detached. A suite attached to or contained within a principal dwelling unit. **Allowed in R1 zones only. Required to be stationary and on a permanent foundation. No ADU/Tiny Home shall be placed within the town limits that was manufactured more than 20 years before the date of application. Main and ADU's/Tiny homes shall not cover more than 40% of the lot area. All such ADU's/Tiny homes shall be connected to public water and sewer systems. Shipping containers/Railroad cars and prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used. Lot will never be replated and is required to stay with main residence.** Applicable to all adopted UBC Codes, ordinances and zoning regulations as stated in 155.30, 155.31, 155.32, 155.37 and 155.39.

Tiny House On Wheels, it is generally thought of as a small house, typically sized under 500 square feet. This style of tiny house is often referred to as a THOW (tiny house on wheels). The Town of Hermosa would consider a tiny house on wheels, legally a recreational vehicle (RV), A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, and subject to all ordinances, and zoning regulations as stated in ordinance 155.33.

Tiny houses on skids, are built on temporary structures – often beams or rails-just like mobile homes. **Allowed in R2 zones only.** They slid into position, where they stay until they need to be moved. When the time comes to move them, they're loaded onto a large truck or trailer and transported for you. The Town of Hermosa would consider a tiny house on skids, legally a recreational vehicle (RV), A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, and subject to all ordinances, and zoning regulations as stated in ordinance 155.33, but not limited to said ordinances.

Tiny Homes Stationary {homes on a foundation) would be considered an ADU, and applicable to all adopted UBC Codes, ordinances and zoning regulations as stated in 155.30, 155.31, 155.32, 155.37 and 155.39.

SUPPLEMENTARY REGULATIONS

155.54 Accessory Dwelling units

- A. One, and only one, accessory dwelling unit shall be allowed on any lot containing a single-family dwelling. An accessory dwelling unit shall not be allowed under this Section 10.814 on a lot that contains more than one dwelling unit. Both the ADU and the primary residence shall comply with state Building Code and Fire Code regulations for construction, minimum living space, fire exits and smoke alarms.
- B. Except as provided elsewhere in this Section 10.814, in order for a lot to be eligible for an accessory dwelling unit, the lot and all proposed structures and additions to existing structures shall conform to all zoning regulations as follows
- C. Any municipal regulation applicable to single family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to, lot area, yards, open space, off-street parking, building coverage, and building height.

D. An attached accessory dwelling unit is permitted on existing nonconforming lots and within existing nonconforming buildings as long as there is no increase in building height or building footprint for any portion of the existing building and no increase to the nonconformity.

E. All accessory dwelling units shall comply with the following standards:

1. The principal dwelling unit and the accessory dwelling unit shall not be separated in ownership (including by condominium ownership).
2. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling as his or her principal place of residence. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.
3. When the property is owned by one or more trusts, one of the dwelling units shall be the principal place of residence of the beneficiary (ies) of the trust(s).
4. Neither the principal dwelling unit nor the accessory dwelling unit shall be used for any business, except that the property owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.

F. An attached accessory dwelling unit (AADU) shall comply with the following additional standards:

1. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.
2. The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area. For the purpose of this provision, gross floor area shall not include existing storage space, shared entries, or other spaces not exclusive to the accessory dwelling unit.
3. Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling. If there are two or more doors in the front of the dwelling, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.

G. A detached accessory dwelling unit (ADU) shall comply with the following additional standards:

1. In a General Residence district, the combination of the principal dwelling and the ADU shall comply with the minimum lot area per dwelling unit specified for the district.
2. The ADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area; except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more. Not covering more than 40% of available land.
3. The ADU shall be separated from the single-family dwelling by at least 20 feet.

H. Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:

1. Exterior design of the ADU is consistent with the existing principal dwelling on the lot.
10.814.62 The site plan provides adequate and appropriate open space, landscaping and off-street parking for both the ADU and the primary dwelling.

2. The ADU will maintain a compatible relationship to adjacent properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.

3. The AUD will not result in excessive noise, traffic, or parking congestion.

A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department and shall be renewed annually.

Liquor / Malt Beverage Licensing:		
Liquor Retail On-Off Sale (Jan - Dec)	Operating Agree	
Liquor Package Off-Sale (Jan - Dec)	300.00	
Wine Retail On Sale (Jan - Dec)	500.00	
Malt Beverage Retail On-Off Sale (Jul - Jun)	300.00	
Operating Agreement (per month)	350.00	5% lqr purchases
Temporary Malt Beverage License (Per Day) + Admin Fee	50.00	50.00
Transporter License Application - SEND TO STATE DIRECTLY	25.00	

Building Permit Sq. Footage Fees		
Fee for first \$500 valuation (additional = per extra \$100)	15.00	2.00
Fee for first \$2,000 valuation (additional = per extra \$1,000)	45.00	9.00
Fee for first \$25,000 valuation (additional = per extra \$1,000)	252.00	6.50
Fee for first \$50,000 valuation (additional = per extra \$1,000)	414.50	4.50
Residential Review by Engineer	At Cost	
Commercial Review by Engineer (1st & additional)	At Cost	
Subdivision Plan Review by Engineer	At Cost	
Building Permit Violation (per DAY)	100.00	

Occupancy & Type:	Cost per Square Foot	Modified Construction Value
		84 % per Sq Ft
Single Family Residential	67.30	56.53
Residential Finished Basement	20.10	16.88
Residential Unfinished Basement	14.60	12.26
Deck	8.80	7.39
Covered Deck/Porch/Shed	12.85	10.79
Carport	16.60	13.94
Garage	24.30	20.41
Mfg. Mobile, Modular	30.00	25.20
Multi-family Residential	72.30	60.73
Commercial	72.30	60.73

✓ Updated

Floodplain Development Permit + Reviews		
Minor Review by Flood Plain Administrator	100.00	
Residential (1st Lot / each additional lot)	250.00	100.00
Commercial Lot	500.00	

Grading / Digging Permit + Review (If Required)	35.00	
Single Residential Review by Engineer	At Cost	
Commercial Review by Engineer	At Cost	
Subdivision Review by Engineer	At Cost	

Inspection Services by Town Engineer		
Residential	At Cost	
Commercial	At Cost	
Deposit Requirement for Non-compliance Inspection	At Cost	
* non-compliance work billed at engineer's hourly rate	✓ 125.00	(up to \$165 ph)

Plat/Subdivision Application + Review (If Required)		
Application Permit	75.00	
Professional Review-Single/Multiple Lots (Prelim. & Final)	At Cost	
Sewer Tap Fees: Non-Refundable Sewer Tap Application	50.00	
Residential	✓ 1000.00	
Commercial	✓ 2000.00	
Water Tap Fees:		
1" size pipe Residential	✓ 1000.00	
1 1/2" size pipe Residential	✓ 1000.00	
2" size pipe Residential	✓ 1250.00	
3/4" size pipe Commercial		
1" size pipe Commercial	✓ 2000.00	
1 1/2" size pipe Commercial	✓ 2000.00	
2" size pipe Commercial	✓ 2500.00	

✓ Updated

Utility Rates		
Residential In-Town Water	✓ 31.00	✓ 4.00
Residential Out-Town Water	✓ 65.00	✓ 9.00
Commercial In-Town Water	✓ 55.00	✓ 4.75
Commercial Out-Town Water	✓ 80.00	✓ 1.50
Residential In-Town Sewer	✓ 31.00	✓ 1.25
Residential Out-Town Sewer	✓ 65.00	✓ 5.75
Commercial In-Town Sewer	✓ 40.00	✓ 2.50
Commercial Out-Town Sewer	✓ 80.00	✓ 6.50
Garbage (per Toter)	19.00	
DOT Surcharge	3.00	
Well Surcharge	3.50	
Late Fees (applied on or after the 20th of each month)	30.00	
Home Owner Deposit	125.00	
Renter Deposit	125.00	
Landlord Deposit	125.00	Floating
Contractor/Builder Deposit	125.00	Floating
Home Owner - Reconnect Fee	50.00	+ Penalty Deposit
Renter - Reconnect Fee	50.00	+ Penalty Deposit
Landlord - Reconnect Fee	50.00	+ Penalty Deposit
Penalty Deposit	50.00	
Unauthorized Reconnect/Disconnect Fine	250.00	
Bulk Water Treated (3,000 or more)	50.00	7.00/per 1000
Bulk Water Treated Small (under 1,000)	20.00	10.00/per 1000
Bulk Water Untreated (1,000 or more)	20.00	10.00/per 1000

**** UTILITY DEPOSITS TO BE RETURNED FOLLOWING THE FINAL PAYMENT OF THE FINAL BILLING ON THE ACCOUNT ****

Building Code

or Structural Inspector as appointed by the town. The State Fire Marshal shall also inspect any commercial renovation or remodel requiring a permit under this section.

(E) *Contractor licensing.* In addition to the particular trade license which may be required by the state, any contractor performing services for which a permit is required under this section must first apply for and receive a contractor's license from the town. The annual fee for said contractor's license shall be \$50 per year, renewable every 12 months after date of issuance, or as may be amended from time to time by the Town Board. Contractor shall provide to and maintain with the town proof of current liability insurance coverage.

(F) *Severability clause.* Should any division, sentence, clause or phrase of this section, for any reason, be held invalid by a court of competent jurisdiction, such decision shall not offset the validity of the remaining portions of this section. The town hereby declares that it would have passed this section and each division, sentence, clause and phrase hereof irrespective of the possibility that any one or more division, sentence, clause or phrase be declared unconstitutional or invalid.

(G) *Certificate of occupancy.*

(1) A certificate of occupancy may be required, based on the level of remodel, only after review of any applicable inspectors.

(2) The Town Board may require re-certification if warranted under the Building Code requirements.

(Ord. 10.8, passed 12-4-2012) Penalty, see § 150.99

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) The town is authorized to provide for the punishment of § 150.01 of this chapter with a fine not to exceed \$500, or by imprisonment not exceeding 30 days, or by both the fine and imprisonment.

(C) Upon conviction of § 150.02, the person shall be punished by a fine of not less than \$5 or more than \$100, or by imprisonment in the county jail for a period of not exceeding 30 days, or by both the fine and imprisonment.

(D) A violation of any of the provisions of § 150.03 or of the emergency warning systems rules as established by town is an infraction and shall be punished by a fine as set by the Finance Committee, and fees increasing weekly.

Town of Hermosa

PO Box 298 • 230 Main Street • Hermosa, SD 57744
Phone (605) 255-4291 • Fax (605) 255-4094
Email: town@hermosasd.com



TRANSIENT VENDOR & PEDDLERS APPLICATION

DATE _____

Receipt # _____	Cash _____	Check # _____	Amount _____
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Transient Vendor & Peddler Information _____
Company Name _____
Owner/President _____
Mailing Address _____
Email _____
Phone _____ Cell _____
Description of Items to Be Sold _____
Location of Temporary Business _____
Times When the Sales Will Be Conducted _____
South Dakota Vendor License _____
South Dakota Sales Tax License # _____

Fee: 7 Days: \$10.00 1 Month: \$25.00 1 Year: \$50.00

The Above Information Is True and Correct

Vendor Signature _____ Date _____

Applicants applying for a special event vendor license shall present to any entity sponsoring the event the following:

- * Name, address and phone number of the person, partnership, partner, corporation or similar business entity;
- * A description of the nature of the sales to be conducted and type of business that will conduct sales;
- * Description of the location where the sales will be conducted within the town;
- * The times when the sales will be conducted within the town;
- * License or permits with the county and/or the state;
- * If electrical access, open fires or use of propane: certificate from Fire Marshal's office showing that all codes are met;
- * All food vendors must be registered with the County and/or State Board of Health and present proof of that registration with their submission; and
- * All current governmental registrations and licenses must be displayed at the sale.

License # _____
Office Use Only

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, and familial status. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).



FOOD VENDOR. Any person, partnership, corporation or similar business entity (whether a town resident or not) who is the vendor of produce, prepared or prepackaged foods.

NON-PROFIT ORGANIZATION. An incorporated organization which exists for educational, religious or charitable reasons, and from which its shareholders or trustees do not benefit financially. Any money earned must be retained by the organization, and used for its own expenses, operations and programs.

SPECIAL EVENT. Any public gathering, approved by the governing body of the town.

STAND. A table, bench, booth, rack, handcart, pushcart or any other fixture or device used for the purpose of displaying, distributing, storing or transporting merchandise.

STREET FAIR. A community event in the town that uses and occupies a portion of a public way, designated by the town, for the sale of merchandise by commercial retailers or for other promotions by nonprofit organizations.

TEMPORARY USE AND STRUCTURE. Any use or structure that is not located in a permanent structure and is not the primary use of property.

TRANSIENT VENDOR. Any person who opens a temporary place of business for the sale of goods or whom, on the streets or while traveling about the town, sells, offers for sale or solicits orders for the future delivery of goods where payment is required prior to the delivery of the goods. **TRANSIENT VENDOR** also includes any person who represents a business or organization, including, but not limited to, any entity that notifies the Town Board of Trustees that its representatives are present in the township for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods, or an auction or an auctioneer company.

VENDOR. Any person who has been issued a valid vendor permit.

VENDOR PERMIT. The approved application of a person under the conditions as set forth in this chapter. A **VENDOR PERMIT** provides a person with a license to sell, distribute or display merchandise at a designated temporary outlet within the town.

(Ord. 1.004R, passed 9-6-2011)

§ 113.03 LICENSE.

Applicants applying for a special event vendor license shall present to any entity sponsoring the event the following:

(A) Name, address and phone number of the person, partnership, partner, corporation or similar business entity;

(B) A description of the nature of the sales to be conducted and type of business that will conduct sales;

(C) Description of the location where the sales will be conducted within the town;

(D) The times when the sales will be conducted within the town;

(E) License or permits with the county and/or the state;

(F) If electrical access, open fires or use of propane: certificate from Fire Marshal's office showing that all codes are met;

(G) All food vendors must be registered with the County and/or State Board of Health and present proof of that registration with their submission; and

(H) All current governmental registrations and licenses must be displayed at the sale.
(Ord. 1.004R, passed 9-6-2011)

§ 113.04 FEES.

Upon presentation of a completed copy of the town vendor/peddlers permit application and a state sales tax license, picture identification card, and payment of the registration fee (as set per current fee schedule), made payable to the town, the Finance Officer shall issue a receipt of authorization.
(Ord. 1.004R, passed 9-6-2011)

§ 113.05 DURATION.

The registration and fee authorize the transient vendor or peddler to market their wares within the jurisdictional boundaries of the town for a period not to exceed the seven calendar days, one month or one year, time limit depending upon the permit purchased.
(Ord. 1.004R, passed 9-6-2011)

§ 113.06 EXEMPTIONS.

(A) Any non-profit that is the entity applying for the vendors licensing is exempt from any fees but must still complete the application process and comply with all other requirements as set forth in this chapter.

(B) Residential yard sale activities that do not run more than four days within any three-month period are exempt from this chapter.

(C) Any persons, firms or organizations distributing goods or services for which there is no charge shall not be required to obtain a vendors permit, nor pay any fee.

(D) Any emergency situation shall be exempt.
(Ord. 1.004R, passed 9-6-2011)

§ 113.07 HOURS.

No vendor or peddler shall peddle door to door between the hours of 8:00 p.m. and 9:00 a.m., except by specific appointment with, or invitation from, the prospective customer.
(Ord. 1.004R, passed 9-6-2011) Penalty, see § 113.99

§ 113.08 SPECIAL PROVISIONS.

The following vendors may have the following specific regulations.

(A) Fireworks sales: fees as per fee schedule, insurance requirements

(B) Carnivals: fees as per fee schedule, insurance requirements and show that the rides are certified.
(Ord. 1.004R, passed 9-6-2011)

§ 113.09 ZONING AND OTHER REGULATIONS.

(A) An applicant shall comply with all zoning requirements and other regulations and ordinances of the town.

(B) Where there is a conflict of these provisions with the zoning regulations, the zoning regulations shall control or supersede this chapter.
(Ord. 1.004R, passed 9-6-2011)

§ 113.10 ENFORCEMENT.

(A) Any transient vendor or peddler not in compliance with this chapter shall pay a fine in accordance with § 10.99.

(B) It shall be the duty of any police officer of code enforcement official of the town to enforce the provisions of this chapter.
(Ord. 1.004R, passed 9-6-2011)

§ 113.99 PENALTY.

(A) Any person, who violates any of the provisions of this chapter shall upon conviction, be subject to a fine as per the town's current fee schedule.

(B) Each day the violation shall exist shall be construed as a separate offense.
(Ord. 1.004R, passed 9-6-2011)

Permit #2021-016

Hwy 79

Occupancy & Type	Cost per Sq Ft	Regional Modifier	Const Value per Sq Ft
Single Family Residential	\$ 67.30	\$ 0.84	\$ 56.53
Residential Finished Basement	\$ 20.10	\$ 0.84	\$ 16.88
Residential Unfinished Basement	\$ 14.60	\$ 0.84	\$ 12.26
Deck	\$ 8.80	\$ 0.84	\$ 7.39
Covered Deck/Porch/Shed	\$ 12.85	\$ 0.84	\$ 10.79
Carport	\$ 16.60	\$ 0.84	\$ 13.94
Garage	\$ 24.30	\$ 0.84	\$ 20.41
Mfg. Mobile, Modular	\$ 30.00	\$ 0.84	\$ 25.20
Multi-family Residential	\$ 72.30	\$ 0.84	\$ 60.73
Commercial	\$ 72.30	\$ 0.84	\$ 60.73

VALUATION CALCULATIONS

AAB

05/19/21

Item Description	Sq Ft	Sq Ft Value	Total
Single Family Residential		\$ 56.53	\$ -
Residential Finished Basement	-	\$ 16.88	\$ -
Residential Unfinished Basement	-	\$ 12.26	\$ -
Deck		\$ 7.39	\$ -
Covered Deck/Porch/Shed		\$ 10.79	\$ -
Carport		\$ 13.94	\$ -
Garage		\$ 20.41	\$ -
Mfg. Mobile, Modular		\$ 25.20	\$ -
Multi-family Residential		\$ 60.73	\$ -
Commercial	9,100	\$ 60.73	\$ 552,661.20
		TOTAL	\$ 552,661.20